

REMARKS

In the Office Action mailed December 9, 2004, claims 1, 2, 5, 8, 9, and 12 were rejected. The examiner indicated that claims 3, 4, 6, 7, 10, 11, 13, and 14 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 2, 6-8, and 13-14 have been canceled in this amendment. Claim 3 has been amended into independent form to include the limitations of claims 1 and 2. Claim 10 has been amended into independent form to include the limitations of claims 8 and 9. Claim 5 has been amended to depend upon amended claim 3, thereby making claims 6 and 7 redundant and thus were canceled. Similarly, claim 12 was amended to depend upon amended claim 10, thereby making claims 13 and 14 redundant and thus were canceled. Claims 3, 4, 5, 10, 11 and 12 are now currently pending. Reconsideration and withdrawal of the objection are respectfully requested.

The examiner rejected claims 1-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,728,856. In response, the Applicant has submitted an appropriate Terminal Disclaimer with this response. Reconsideration and withdrawal of the obviousness-type double patenting rejection is respectfully requested.

All amendments and remarks are made in a good faith effort to advance the prosecution on the merits. Applicants reserve the right to subsequently take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications.

Applicants respectfully request that the amendments submitted herein be entered, and further request reconsideration in light of the amendments and remarks contained herein.

In light of the amendments made herein and in light of the examiner's earlier indications, Applicants respectfully request withdrawal of all rejections and objections, and that there be an early notice of allowance.

SUMMARY

In light of the above amendments and remarks Applicants respectfully submit that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

Applicant believe that there are no additional fees due in association with the filing of this Response. However, should the Commissioner deem that any additional fees are due, including any additional fees for extensions of time, Applicant respectfully requests that the Commissioner accept this as a Petition therefore, and direct that any and all fees due are charged to Baker Botts L.L.P. **Deposit Account No. 02-0383, (formerly Baker & Botts, L.L.P.) Order Number 068635.0108.**

Respectfully submitted,



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